

Domestic Abuse Charges

Domestic charges are unique. By definition, they arise from the context of relationships. The circumstances are complicated and the existence of a crime can sometimes be hard to discern. Officers often feel pressured to make an arrest to avoid further escalation, even if there is some doubt.

In addition to the mitigation options, discussed below, any prosecution requires:

01

That guilt be proven beyond a reasonable doubt

02

That all evidence be admissible under the United States and Louisiana Constitution

03

That all of your constitutional rights be protected from your arrest through trial

A frequent occurrence is when the victim decides (after the fact) to “drop the charges.” The victim has every right to do this, but the district attorney is not obligated to satisfy this request, so you must be prepared to put forth your defense.

PROTECTIVE ORDER

If you were arrested on a domestic related charge, a protective order is automatically put in place. **Violation of the protective order is a separate criminal offense.** Do not try to contact the

victim. This is a crime. Often, the victim will try to contact you. Unfortunately, allowing this contact places you in jeopardy of being arrested or booked on a new charge. If you are contacted by the victim, make it clear that you are not allowed to speak with him/her until the charges are resolved and the protective order lifted. Keep it simple and do not engage in extended conversations over the phone, particularly if you are incarcerated, in which case all of your calls are recorded and monitored.

EVIDENCE

Once you are arraigned on a domestic abuse charge, your attorney should thoroughly review the evidence and you should be honest about what led to the event. Your attorney must understand the entire situation.

- What was happening that day?
- Had there been a period of tension before the incident?
- Who was the aggressor?
- Was this self-defense?
- Was there a misunderstanding that led to the arrest?

MITIGATION

Even if you have a strong defense, it is almost always in your best interest to pursue some type of mitigation. At minimum, you can take an anger management class or agree to personal counseling. Making efforts to improve your case is not an admission of guilt, but gives you an opportunity to grow and strengthen your defense. If you believe your defense is strong enough to not require any mitigation, we can discuss this during our initial consultation. I strongly believe every case is unique and I will listen to your position.

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FINAL THOUGHTS

This appendix is designed to give you ideas and options to consider. Your defense is tied to the specific facts of your case and the unique preferences of whatever jurisdiction is prosecuting you. The information here is general in nature and is simply a starting point—it does not replace or substitute the advice of your retained counsel. It should be considered a resource to help you develop a plan of defense with your attorney and not as an alternative to the defense proposed by him/her.





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